

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Monday, April 9, 2007 –12:00 p.m. – Room W140 House Building

Members Present:

Sen. D. Chris Butters, Chair
Sen. Gregory S. Bell
Sen. Michael G. Waddoups

Staff Present:

Ms. Esther Chelsea-McCarty, Associate General Counsel
Mr. Jerry D. Howe, Policy Analyst
Ms. Brooke Ollerton, Legislative Secretary

Members Absent:

Sen. Mike Dmitrich
Sen. Lyle W. Hillyard

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Butters called the meeting to order at 12:04 p.m.

MOTION: Sen. Waddoups moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Ms. Christiansen. The motion passed unanimously.

MOTION: Sen. Bell moved to open the meeting. The motion passed unanimously.

2. Interview of Ms. Michele M. Christiansen

Ms. Christiansen was placed under oath. She introduced her family and friends. She offered a personal statement regarding her education, career experience, and why she wanted to be a judge.

Chair Butters outlined the judicial selection process and commended Ms. Christiansen for her qualifications.

Sen. Bell asked if Ms. Christiansen had thought about the conflicts of interest becoming a judge would create since her husband is an attorney. She responded that she has discussed this issue with the presiding judge who advised that absent a real conflict, in a case involving lawyers from her husband's law firm she allow the parties to the case to decide whether or not they would like her to recuse herself.

Sen. Bell asked what Ms. Christiansen would do when statutory law is not completely clear and there was pressure to create or expand common law. He asked how she would resist such temptation. She responded that it would take courage and integrity, but she believed it was the prerogative of the Legislature to make the law so she would be reluctant to create or expand the common law.

Sen. Waddoups asked Ms. Christiansen if there was anything in her background that if generally known would bring disrepute on or embarrass the judiciary.

Ms. Christiansen replied that there was not.

Sen. Waddoups asked if she could apply the death penalty.

Ms. Christiansen replied that she could. She stated that the death penalty is constitutional. Sen. Waddoups asked how egregious a case would have to be in order to apply the death penalty. She responded that a finding by the jury and aggravating factors as set forth in the statute would be her guide.

Mr. Brett Tolman, U.S. Attorney's Office, was placed under oath. He spoke in favor of the appointment, saying that Ms. Christiansen is dedicated, honest, and willing to take on her fears. He added that she would be dedicated to the rule of law.

Ms. Lisa Kirschner, Parsons Behle & Latimer, was placed under oath. She spoke in support of the appointment and commented on Ms. Christiansen's strong work ethic.

Ms. Barbara Bearnson, U.S. Attorney's Office, was placed under oath. She said that in her work with Ms. Christiansen at the U.S. Attorney's office, she has observed Ms. Christiansen's integrity in challenging circumstances.

Sen. Curtis Bramble was placed under oath. He stated that he has worked with Ms. Christiansen on some tough issues over the past couple of years. He lauded her work ethic and strong character.

MOTION: Sen. Bell moved to recommend to the full Senate the confirmation of Ms. Christiansen as a judge in the Third Judicial District. The motion passed unanimously.

3. Other Items / Adjourn

MOTION: Sen. Bell moved to adjourn. The motion passed unanimously.

Chair Buttars adjourned the meeting at 12:55 p.m.